

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15 cr 43**

UNITED STATES OF AMERICA,)	
)	
Vs.)	
)	ORDER
JUSTIN RICHARD STRATTON,)	
)	
Defendant.)	
<hr style="width:40%; margin-left:0"/>)	

THIS MATTER came on before the undersigned on June 29, 2016 pursuant to an arrest warrant issued by United States District Judge Max O. Cogburn, Jr. dated June 24, 2016 (#31) directing that Defendant be arrested and brought before a United States Magistrate Judge without unnecessary delay due to Defendant's failure to surrender as directed by the United States Marshal. An examination of the file in this matter shows that on June 10, 2015 the undersigned entered an Order releasing Defendant on terms and conditions of pretrial release (#4) and (#5). Thereafter, Defendant entered a plea of guilty to count one as contained in the Bill of Indictment (#20). On May 18, 2016, Judge Cogburn entered a Judgment (#29) which directed the imprisonment of the Defendant for a period of 18 months. Defendant was allowed, by Judge Cogburn, to surrender for service of sentence as notified by the United States Marshal. (#29, p. 2.) Defendant did not surrender as directed and was thereafter taken into custody on June 28, 2016.

It appears that Defendant has violated the Order of Judge Cogburn directing the Defendant to self-report. The Defendant has further violated conditions four and five of the terms and conditions of release that ordered as follows:

(4) defendant must appear in court as required and must surrender to serve any sentence imposed;

(5) defendant promises to appear in court as required and surrender to serve any sentence imposed.

Discussion. 18 U.S.C. § 3148(b)(1) provides as follows: The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer

(1) finds that there is----

(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

(B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that ---

(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.

It has been shown by clear and convincing evidence that Defendant violated the terms and conditions of his release that required that he appear in court as required to surrender for service of any sentence imposed. Defendant has further clearly violated the Judgement of Judge Cogburn that directed Defendant to self-report.

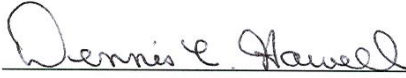
Considering the factors as set forth under 18 U.S.C. § 3142(g) it appears there is no condition or combination of conditions of release that will assure that Defendant will not pose a danger to the safety of any other person or the community. It is the opinion of the undersigned that based upon Defendant's actions, it is unlikely Defendant will abide by any condition or combination of conditions of release. As a result of the above referenced findings, the undersigned has determined to enter an order of revocation revoking the terms of pretrial release and the unsecured bond (#4) and (#5) previously issued in this matter and entering an Order detaining Defendant.

ORDER

IT IS, THEREFORE, ORDERED that the unsecured bond and the terms and conditions of pretrial release entered in this matter are hereby **REVOKED**. It is **ORDERED** Defendant be detained by the United States Marshal pending presentation of further charges against Defendant for his failure to self-surrender. The Marshal shall hold Defendant until **July 15, 2016** pending the filing of those

additional charges. If charges are not filed, then the United States Marshal is directed to deliver Defendant to the Bureau of Prisons as directed by United States District Judge Max O. Cogburn, Jr. as set forth above.

Signed: July 5, 2016



Dennis L. Howell
United States Magistrate Judge

